REMARKS

This is in response to the Notice of Non-Compliant Amendment under 37 CFR 1.121 dated April 29, 2008, which responded to the Applicant's bona fide attempt to reply to a Final Office action on April 7, 2008. This amendment with the following remarks is a substitute and a replacement for the Applicant's Response and Amendment filed on April 8, 2008.

Applicants have studied the Office Action dated December 7, 2007. Claims 1, 5-16, 56 and 57 have been cancelled without prejudice or disclsimer. Claims 58-75 are have been added and are pending. Reconsideration and allowance of the pending claims in view of the above amendments and the following remarks are respectfully requested.

In the Office Action, the Examiner:

- Objected to the specification because of an embedded hyperlink;
- Objected to claims 6, 9, and 10 for informalities;
- Rejected claims 1 and 56 under 35 U.S.C. §112, second paragraph as being indefinite and incomplete;
- Rejected claims 1, 5-14, 56, and 57 under 35 U.S.C. §103(a) as being unpatentable over Hogan (U.S. Patent 6,315,193) in view of Kazaks et al. (U.S. Patent Application Publication No. 2002/0046341); and
- Rejected claim 15 under 35 U.S.C. §103(a) as being unpatentable over Hogan in view of Kazaks et al. and further in view of Voltmer et al. (U.S. Patent Application Publication No. 2002/0112177).

Objection to the Specification

As noted above, the Examiner objected to the specification because of an embedded hyperlink. Applicants have amended Para [0019] of the published application.

Specifcally, Para. [019] has been amended as "See online URL (~~www.~~mycardstatus.com)." The use of parenthesis along with deletion of prefix www. disables any browser-executable code. According to MPEP § 608.01 "Where the hyperlinks and/or other forms of browser-executable codes themselves rather than the contents of the site to which the hyperlinks are directed are part of applicant's invention and it is necessary to have them included in the patent application in order to comply with the requirements of 35 U.S.C. 112, first paragraph, and applicant does not intend to have these hyperlinks be active links, examiners should not object to these hyperlinks. Accordingly, the Applicants respectfully submit that the Examiner's objection to the specification has been overcome and should be withdrawn.

Newly Added Claims 58-75

As will be discussed in more detail below claims 58-75 have been newly added to further clarify the present invention.

Objection to the Claims 6, 9, and 10 for Informalities

As noted above, the Examiner objected to claims 6, 9, and 10 for informalities. Applicants would like to thank Examiner Chandler for her suggestions. Claims 6, 9 and 10 have been cancelled rendering this objection moot. Claim 9 has been rewritten as claims 62. Claims 68, and 74, which are computer program product claim and a system claim with identical elements to method claim 62, include the language as suggested by Examiner Chandler. Accordingly, Applicants respectfully submit that the rejection to claims 6, 9, and 10 have been overcome and should be withdrawn.

Objection to the Claims 1 and 56 under 35 U.S.C. §112, Second Paragraph

As noted above, the Examiner rejected claims 1 and 56 under 35 U.S.C. §112, second paragraph as being indefinite and incomplete. Applicants would like to thank Examiner Chandler for her suggestions. Claims 1 and 56 have been cancelled rendering this

objection moot. Claim 1 has been rewritten as claim 58. Claims 64 and 70, which are computer program product claim and a system claim with identical elements to method claim 58, include the language as suggested by Examiner Chandler. Accordingly, Applicants respectfully submit that the rejection to claims 1 and 56 have been overcome and should be withdrawn.

Rejection Under 35 U.S.C. 35 U.S.C. §103(a) over Hogan and Kazaks

As noted above, the Examiner rejected claims 1, 5-14, 56, and 57 under 35 U.S.C. §103(a) as being unpatentable over Hogan (U.S. Patent 6,315,193) in view of Kazaks et al. (U.S. Patent Application Publication No. 2002/0046341). Claims 1, 5-14, 56 and 56 have been cancelled rendering the rejection moot. Independent claim 1 has been rewritten as independent claim 58. Independent claims 64 and 70, which are computer program product claim and a system claim with identical elements to method claim 58. Independent claims 58, 64 and 70 recite (emphasis added):

58. (New) An automated method for providing a line of credit in a prepaid card account, the method comprising:

receiving, at a credit processing system, a plurality of deposit transactions depositing funds into a first account linked to a prepaid card with a first account identifier;

determining, at the credit processing system, a first credit limit associated with a loan amount for the first account wherein the first credit limit is based solely upon transaction information for the first account as identified by the prepaid card, wherein the transaction information consists of one or more of: i) the plurality of deposit transactions into the first account; ii) purchase transaction information for the first account; and iii) loan granting and repayment information for the first account, and no other financial information of an account holder associated with the first account; and

receiving, at the credit processing system, a request for authorization of a purchase transaction associated with the first account as identified by the prepaid card; and

authorizing, by the credit processing system, the purchase transaction in response to a balance of funds in the first account being:

(i) greater than or equal to an amount of the purchase transaction and debiting the first account for the amount of the transaction, and

(ii) less than the amount of the purchase transaction, debiting the first account for the amount of the transaction and granting a loan in an amount equal to the amount of the purchase transaction less the balance of funds in the first account.

Unlike Hogan, who is silent on prepaid cards and relies on other financial information to provide a loan, the present invention uses a prepaid card and the loan is based only on the information of the prepaid account, i.e. "a first credit limit associated with a loan amount for the first account wherein the first credit limit is based solely upon transaction information for the first account as identified by the prepaid card, wherein the transaction information consists of one or more of: i) the plurality of deposit transactions into the first account; ii) purchase transaction information for the first account; and iii) loan granting and repayment information for the first account, and no other financial information of an account holder associated with the first account." The present invention allows only the purchase transaction information to be used on deciding whether or not to extend credit. This is important to serve customers that can not or choose not to establish credit through separate financial histories and financial background checks. In constrast, Hogan expressly teaches at col 5, lines 29-33 (emphasis added) that "a financial institution receives an application from a customer desiring to obtain a financial transaction card having an installment loan feature." Hogan goes on to state at col. 5, lines 44-45 and illustrates at steps 120 and 130 of FIG. 1A that "If the consumer is not creditworthy the application is rejected in step 130." Accordingly, Hogan requires that the application be pre-approved to receive a loan

feature. The present invention solves this problem by looking only at transaction histories for the account.

Unlike Hogan, no separate application needs to be filled out. The transaction information into the account is used to determine credit worthiness.

Accordingly, independent claims 58, 64, and 70 distinguish over Hogan's use of application information to base credit worthiness for at least this reason. Kazaks is silent on giving loans.

Further claims 61, 67, 73 and claims 62, 68, 74 build upon the use of granting a loan only on the transaction information in an account as opposed to other financial information to help a user build up credit at second institution by reciting:

Claim 61, 67, 73 – further comprising:

[….] wherein the preceding steps are performed by a first financial institution and the subsequent steps are performed by a second financial institution independent of the first financial institution, the method at the second financial institution comprising:

determining a second credit limit amount associated with a second account independent of the first account in response to the transaction information received from the first financial institution;

receiving a request for authorization of a second purchase transaction associated with the second account; and

authorizing the second purchase transaction when the second credit limit amount is greater than or equal to the second purchase transaction.

Claim 62, 68, 74 use the transaction history to increase the loan amount in response to transaction history, without the use of other financial information.

[…] further comprising:

receiving a plurality of deposit transactions depositing funds into the first account;

authorizing each of a plurality of purchase transactions when the funds within the first account are greater than or equal to each of the plurality of purchase transactions; and

including the plurality of deposit transactions and purchase transactions in the transaction information, and wherein the first credit limit is determined to be zero upon reception of a first deposit transaction and increases the credit limit in response to subsequent deposit transactions.

The Examiner cites 35 U.S.C. § 103(a). The Statute expressly requires that obviousness or non-obviousness be determined for the claimed subject matter "as a whole," and the key to proper determination of the differences between the prior art and the present invention is giving full recognition to the invention "as a whole." The Hogan reference taken alone and/or in view of Kazaks simply does <u>not</u> suggest, teach, or disclose the patentably distinct elements in independent claims 58, 64, and 70 of "determining a first credit limit associated <u>with a loan amount</u> <u>for</u> the first account wherein the first credit limit is based upon <u>transaction information including</u> the plurality of deposit<u>s</u> <u>into</u> the first account" is <u>not</u> taught or disclosed by Hogan. The credit worthiness in Hogan taken alone and/or in view of Kazaks, is based on an application rather than actual transaction history. Hogan cannot provide a loan without use of an application processs. Accordingly, the present invention distinguishes over Hogan taken alone and/or in view of Kazaaks, for at least this reason. The Applicants respectfully submitted that the Examiner's rejection under 35 U.S.C. § 103(a) has been overcome.

Independent claims 58, 64, and 70 distinguish over Hogan taken alone and/or in view of Kazaaks. Claims 59-63, 65-69 and 71-75 depend from independent claims 58, 64, and 70 respectively. Since dependent claims contain all the limitations of the independent

claims, claims 59-63, 65-69 and 71-75 distinguish over Hogan taken alone and/or in view of Kazaaks, as well.

<u>Rejection under 35 U.S.C. §103(a) Hogan in view of Kazaks and Voltmer</u>

As noted above, the Examiner rejected claim 15 under 35 U.S.C. §103(a) as being unpatentable over Hogan in view of Kazaks et al. and further in view of Voltmer et al. (U.S. Patent Application Publication No. 2002/0112177). Claim 15 has been cancelled without prejudice or disclaimer rendering the Examiner rejection moot.

CONCLUSION

The prior art made of record and not relied upon was reviewed and Applicants believe that such prior art is not pertinent to Applicants' disclosure.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

Applicants acknowledge the continuing duty of candor and good faith to disclose information known to be material to the examination of this application. In accordance with 37 CFR §1.56, all such information is dutifully made of record. The foreseeable equivalents of any territory surrendered by amendment are limited to the territory taught by the information of record. No other territory afforded by the doctrine of equivalents is knowingly surrendered and everything else is unforseeable at the time of this amendment by the Applicants and their attorneys.

The Commissioner is hereby authorized to charge any fees that may be required or credit any overpayment to Deposit Account 50-1556. In view of the preceding

discussion, it is submitted that the claims are in condition for allowance. Reconsideration and re-examination is requested.

PLEASE CALL the undersigned if the Examiner believes that there are any informalities that can be corrected by Examiner's amendment, or that in any way it would help expedite the prosecution of the patent application.

Respectfully submitted.

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